

109TH CONGRESS  
1ST SESSION

# S. 97

To provide for the sale of bentonite in Big Horn County, Wyoming.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. ENZI introduced the following bill; which was read twice and referred to  
the Committee on Energy and Natural Resources

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## A BILL

To provide for the sale of bentonite in Big Horn County,  
Wyoming.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Big Horn Bentonite  
5       Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) COVERED LAND.—The term “covered land”  
9       means the approximately 20 acres of previously  
10       withdrawn land located in the E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of

1        sec. 32, T. 56N., R. 95W., sixth principal meridian,  
2        Big Horn County, Wyoming.

3            (2) SECRETARY.—The term “Secretary” means  
4        the Secretary of the Interior.

5    **SEC. 3. AUTHORIZATION OF MINING AND REMOVAL OF**  
6            **BENTONITE.**

7        (a) IN GENERAL.—Notwithstanding the withdrawal  
8        of the covered land for military purposes, the Secretary  
9        may, with the consent of the Secretary of the Army, per-  
10       mit the mining and removal of bentonite on the covered  
11       land.

12       (b) SOLE-SOURCE CONTRACT.—The Secretary shall  
13       enter into a sole-source contract for the mining and re-  
14       moval of the bentonite from the covered land that provides  
15       for the payment to the Secretary of \$1.00 per ton of ben-  
16       tonite removed from the covered land.

17       (c) TERMS AND CONDITIONS.—

18            (1) IN GENERAL.—Mining and removal of ben-  
19       tonite under this Act shall be subject to such terms  
20       and conditions as the Secretary may prescribe for—

21            (A) the prevention of unnecessary or undue  
22       degradation of the covered land; and

23            (B) the reclamation of the covered land  
24       after the bentonite is removed.

1           (2) REQUIREMENTS.—The terms and condi-  
2       tions prescribed under paragraph (1) shall be at  
3       least as protective of the covered land as the terms  
4       and conditions established for Pit No. 144L (BLM  
5       Case File WYW136110).

6           (3) LAND USE PLAN.—In carrying out the pro-  
7       visions of this Act, the Secretary is not required to  
8       amend any land use plan under section 202 of the  
9       Federal Land Policy and Management Act of 1976  
10      (43 U.S.C. 1712).

11          (4) TERMINATION OF INTEREST.—On comple-  
12      tion of the mining and reclamation authorized under  
13      this Act, any party that has entered into the sole-  
14      source contract with the Secretary under subsection  
15      (b) shall have no remaining interest in the covered  
16      land.

17   **SEC. 4. CLOSURE.**

18          (a) IN GENERAL.—If the Secretary of the Army noti-  
19      fies the Secretary that closure of the covered land is re-  
20      quired because of a national emergency or for the purpose  
21      of national defense or national security, the Secretary  
22      shall—

23              (1) order the suspension of any activity author-  
24      ized by this Act on the covered land; and

1           (2) close the covered land until the Secretary of  
2           the Army notifies the Secretary that the closure is  
3           no longer necessary.

4           (b) LIABILITY.—Neither the Secretary nor the Sec-  
5           retary of the Army shall be liable for damages from a clo-  
6           sure of the covered land under subsection (a).

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